

**MINUTES OF A MEETING OF THE GOVERNING BOARD
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
HELD AT DISTRICT HEADQUARTERS, 3301 GUN CLUB ROAD
WEST PALM BEACH, FL
TUESDAY, NOVEMBER 9, 1999
9:00 A.M.**

The following **Board Members** were present

Michael Collins
Vera Carter
Michael Minton
Mitchell Berger
Nicolas Gutierrez
Gerardo Fernandez
Trudi Williams
Patrick Gleason
Harkley Thornton

CALL TO ORDER

CALL TO ORDER

1. Board questions for staff about any items on Wednesday's Regular Meeting Agenda or Regulatory Consent Agenda.

Mr. Gleason questioned items C19, C46, and C47.

Ms. Williams questioned items C16, C19, 27, 44, 51, and 52.

Mr. Minton questioned items 30, 45, 46, 48, and 51.

Chairman Collins questioned items 33, 34, 35, and 37.

2. Update on Hurricane Irene

Mr. Michael Slayton, Director, Government Affairs and Communications, presented the update. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Tommy Strowd, Director of Operations, presented information on specific actions taken by the District to deal with flooding caused by Hurricane Irene. A copy of the material used in his presentation is included in the official record of this meeting.

Ms. Olivia McLean, Director, Emergency Operations, presented information on emergency management actions carried out prior to, during and after the storm event. A copy of the material used in her presentation is included in the official record of this meeting. Ms. McLean said recovery will be a long-term effort and most of the counties within the District have been designated as disaster areas.

Dr. Susan Gray, Deputy Director, Water Research and Planning, presented information on the impact of the storm on the environment. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. Finch said the District continues to undertake a thorough after-action assessment to determine whether the District operated within established criteria, and whether the criteria used by the District is correct.

Public Comment

Mr. Bob Petty, Director, Public Works Department, City of Palm Beach Gardens, said the conference calls set up with District officials were very important in the effort to make pre-storm drawdowns. He said other actions that were important include updates by District staff and gate operations.

Mr. Patrick Martin, Lake Worth Drainage District, thanked the District for its cooperation during the storm.

Mr. Roy Reynolds, Broward County Water management, said flood conditions in Broward County could have been worse without the assistance of the District and the cooperation of staff. He said the flood control system in Broward County worked as designed and problems were due to restricted canals and local design restrictions.

Mr. Wayne Nelson, Fishermen Against Destruction of the Environment, said mistakes were made in trying to counter the storm's effects. He said the operation of the flood control system need continuous troubleshooting from an outside observer.

Mr. L. Jack Moller, a Pembroke Pines resident, said improvements to the District's storm response procedures should be reviewed. He noted that canal levels in his area have not dropped following the storm.

Mr. Dexter Lehtinen, representing the Miccosukee Tribe of Indians of Florida and Miami/Dade County Farm Bureau, said canal levels in west Miami/Dade County were held at higher levels than the District's criteria allows. He said this action caused flooding in the area. Mr. Lehtinen noted other District actions which he said led to flooding from the storm.

Mr. Mike Black, a Miami resident, blamed the District for flooding in his area that resulted in property damage and the death of several residents. He said the flood control system was operated illegally before, during and after the storm.

Ms. Rosa Durando, Audubon Society of the Everglades, said one factor that caused flooding is that the land use in south Florida has exceeded the drainage system's capacity.

Mr. William R. Gotthelf, Indian Trail Improvement District, expressed concern that roads in his area are still under water. He said local residents have received no cooperation from staff to alleviate the flooding.

Mr. Tom MacVicar, said farmers in the Homestead area are concerned about the events that led to flooding in their area. He said farmers have tried for years to convince the District to recognize the flooding problems affecting south Miami/Dade County, but with no success.

Ms. Erin Deady, National Audubon Society, said everyone gets impacted when there is a storm of this magnitude. She said the impact of the storm shows how important it is to get additional water storage components on-line quickly.

Responding to concerns expressed by local officials and residents about District actions prior to and following the hurricane, Chairman Collins asked that staff present a briefing on the operation of the flood control system operations, design restrictions, and options for addressing the problems identified by the public.

Board Members agreed to consider item 5 at this time.

5. Peer Review and Completion of the Everglades Consolidated Report
- Steps in the Completion of the Everglades Consolidated Report

Dr. Garth Redfield, Lead Environmental Scientist, Water Quality & Hydrology, presented information on steps to complete the report. A copy of the material used in his presentation is included in the official record of this meeting.

- Summary of Peer Review Process and Key Panel Recommendations to the District

Prof. Jeffrey Jordan, University of Georgia, Panel Chairperson, presented the summary. A copy of the material used in his presentation is included in the official record of this meeting.

3. Everglades Construction Project Update

Dr. Jennifer Jorge, Deputy Director, Everglades Construction Project, presented the update. A copy of the material used in her presentation is included in the official record of this meeting.

4. Request approval of the year 2000 Minimum Flows & Levels Priority List and Schedule

Mr. Dean S. Powell, Deputy Director, Water Supply Planning, Permitting & Development, Water Resource Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Powell said staff recommends approval of this item.

Motion by Mr. Gleason to approve the year 2000 Minimum Flows & Levels Priority List and Schedule. Motion approved.

Board Members returned to item 5 for public comment.

Mr. Jeff Ward, Sugar Cane Growers Cooperative, commented on the Peer Review Report. He said his organization is concerned that research conducted by Duke University was mostly ignored in the report.

Chairman Collins said the issues raised by Mr. Ward have been identified by the Peer Review Panel.

BOARD COMMENT

Chairman Collins directed staff to schedule a December 13 workshop to review the operation of the Central and South Florida Flood Control System, the status of the 8.5 Square Mile Area project, and the Everglades Construction Project After-Action Assessment.

6. Receive update on small business programs and FY 2000 contracts, and approve non-rule changes to current procurement process.

Mr. Aaron Weeks, Senior Administrator, Supplier Diversity & Outreach, presented information on the program and contracts. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Joe Moore, Chief Financial Officer, presented information on contracts in the FY2000 Budget and the role of the Board in the contracting process.

Sheryl Wood, Director of Procurement, presented staff's recommendation. She said staff recommends that the following non-rule changes be made to the District's procurement policy:

- 1) No multiple awards to one contractor on single solicitation;
- 2) Location Criteria - Increase points on CCNA; Add separate location criteria for non-CCNA; and exempt the District's West Palm Beach Headquarters location;
- 3) Selection Panel - Ensure Service Center and Field Station personnel on evaluation panels for local projects; and
- 4) Small Procurements - get quotes from local vendors within specified radius.

Chairman Collins asked that staff provide information to the Board during the development stage for Requests for Proposals and interagency agreements.

Mr. Gleason noted that the Board discussed its concerns about the contracting process at a previous meeting. He asked that staff present information at a future workshop on the criteria for contractors who have not done previous work for the District.

Mr. Gleason said he supports recommendations 1, 3, and 4. He said he is concerned about recommendation 2.

Chairman Collins suggested that the Board vote on recommendations 1, 3, and 4 as one item, and take recommendation 2 separately. Board Members agreed.

Motion by Ms. Williams to approve recommendations 1, 3, and 4 of the proposed non-rule changes to current procurement process as presented by staff. Motion approved.

Motion by Mr. Minton to approve recommendation 2 of the proposed non-rule changes to current procurement process as presented by staff. Motion approved. Nay - Mr. Gleason.

7. Lower West Coast Water Supply Plan Status Report

~~_____ This item was deleted.~~

Mr. Mark Elsner, Senior Supervising Planner, Water Supply Planning, Permitting & Development, Water Resource Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

8. Kissimmee Basin Water Supply Plan Status Report

~~_____ This item was deleted.~~

Mr. Chris Sweazy, Senior Planner, Water Supply Planning, Permitting & Development, Water Resource Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

ADJOURNMENT

There being no further business to come before the Board, the workshop meeting was adjourned at 3:35 p.m.

MICHAEL COLLINS, CHAIRMAN

(Corporate Seal)

Attest:

ANTHONY BURNS, ASSISTANT SECRETARY

/aab

**MINUTES OF A MEETING OF THE GOVERNING BOARD
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
HELD AT OFFICES OF THE DISTRICT,
3301 GUN CLUB ROAD, WEST PALM BEACH FLORIDA
WEDNESDAY, NOVEMBER 10, 1999
8:30 A.M.**

The following **Board Members** were present

Michael Collins, Chairman
Michael Minton
Vera Carter
Mitchell Berger
Nicolas Gutierrez
Patrick Gleason
Trudi Williams
Harkley Thornton
Gerardo Fernandez

Frank R. Finch, Executive Director

CALL TO ORDER

Chairman Collins called the meeting to order at 8:30 a.m., followed by an inspirational performance by the Aquatones and the pledge of allegiance to the Flag of the United States of America

Presentations:

Mr. Fernandez, Chairman, Human Resources Committee, recognized Mr. Jaye Udelhoven, Staff Environmental Analyst, Orlando Service Center, as September's Employee of the Month.

Mr. Fernandez recognized the following as October's Team of the Month:

Mr. Craig Nyhuis, Buildings Superintendent – B-1;
Mr. Leonard Delgado, Facilities Planner;
Mr. Juan Vargas, Building Maintenance Mechanic;
Mr. Thomas DeVoursney, Building Superintendent – B-50; and
Mr. James Mock, Building Maintenance Mechanic.

Approval of Minutes

Ms. Williams corrected page 6 of the minutes of the October 14, 1999 Regular meeting as follows:

~~Ms.~~ Mr. Williams noted similar issues that should be addressed as part of the Kissimmee River Restoration project. Chairman Collins appointed Mr. Thornton to head that task force.

Motion by Mr. Minton to approve the Minutes of the Governing Board Workshop/Meeting of October 13, 1999 and the Governing Board Regular Meeting of October 14, 1999 as corrected. Motion approved.

II. GOVERNING BOARD BUSINESS CONSENT AGENDA REVIEW

A. Additions, Deletions, Substitutions

Mr. Phil Kochan, Senior Business Operations Analyst, Executive Office, noted changes handed out as the revised agenda. A copy of the revised agenda is included in the official record of this meeting.

Mr. Kochan said items C-31, C-45, C-46, C-47, and C-48 have been deleted.

B. Abstentions

Ms. Williams abstained on item 26, (page 10, paragraph 1).

Mr. Minton abstained on item 42.

Mr. Berger abstained on item C-16 and on item 26, all items involving Florida Department of Transportation.

Mr. Gleason abstained on item 26, (page 4, paragraph 1; page 5, paragraph 5; and page 11, paragraph 4).

C. Confirm the Business Consent Agenda items pulled for discussion at Tuesday Workshop.

Mr. Minton said he will pull items 42, 45, and 46.

Chairman Collins said he will pull item 37.

Mr. Thornton said he has questions about items 39 and 44.

III. GOVERNING BOARD MEETING SCHEDULE

1. Consider Schedule for Upcoming Meetings.

Mr. Finch presented the schedule. A copy of the schedule is included in the official record of this meeting.

Chairman Collins said he has a conflict with the Tuesday, December 7, 1999 meeting date. He asked that staff schedule the workshop for Wednesday, December 8, 1999.

Mr. Gutierrez asked that staff schedule a 7:00 a.m. breakfast meeting prior to the December regular meeting.

2. Consider Tentative Agenda for December Workshop.

Mr. Kochan presented the tentative December Workshop agenda. A copy of the material used in his presentation is included in the official record of this meeting.

PUBLIC HEARING at 9:00 A.M.

IV. *OPEN THE PUBLIC HEARING*

WATER RESOURCE MANAGEMENT

Real Estate, Engineering & Construction

3. Approve the purchase of land interests containing 0.41 acres, more or less, in Polk County, Tiger Lake, Kissimmee Chain of Lakes Project.

Mr. Blair R. LittleJohn, Director, Real Estate, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Ms. Williams to approve the purchase of land interests containing 0.41 acres, more or less, in Polk County, Tiger Lake, Kissimmee Chain of Lakes Project and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.

4. Approve an amendment to the Acquisition Agreement with the Board of Trustees of the Internal Improvement Trust Fund for the joint purchases of lands within the Corkscrew Regional Ecosystem Watershed (CREW) CARL, Save Our Rivers Project.

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Ms. Williams to approve an amendment to the Acquisition Agreement with the Board of Trustees of the Internal Improvement Trust Fund for the joint purchases of lands within the Corkscrew Regional Ecosystem Watershed (CREW) CARL, Save Our Rivers Project, using District land acquisition procedures. Motion approved.

- 5. Approve the purchase of land interests containing 1,495.26 acres, more or less, in Glades County.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Minton noted that there is no back-up material for this item in the Board package. He suggested that the Board defer action on this item until the back-up material is provided. Board Members agreed.

- 6. Approve the purchase of land interests containing 133.12 acres, more or less, in Lee County, CREW Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Ms. Williams to approve the purchase of land interests containing 133.12 acres, more or less, in Lee County, CREW Project, and authorize a Resolution to the Board of Trustees of the Internal Improvement Trust Fund requesting reimbursement for this acquisition and associated costs. Motion approved.

- 5. Approve the purchase of land interests containing 1,495.26 acres, more or less, in Glades County.**

Board Members received back-up material for this item.

Motion by Ms. Carter to approve the purchase of land interests containing 1,495.26 acres, more or less, in Glades County, North of Lake Okeechobee Storage and Treatment Component, Comprehensive Review Study (Restudy) of the Central and Southern Florida Project. Motion approved.

- 7A. Approve the Application for Federal Assistance and Grant Agreement with the U.S. Department of the Interior for the purchase of land interests containing 8402.02 acres, more or less, in Hendry County, Caloosahatchee Attenuation Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. LittleJohn said funding for this project will be on a 50/50 basis between the District and the Federal Government. He said this project is recommended by the U.S. Department of the Interior.

Motion by Ms. Carter to approve the Application for Federal Assistance and Grant Agreement with the U.S. Department of the Interior for the purchase of land interests containing 8402.02 acres, more or less, in Hendry County, Caloosahatchee Attenuation Project, in the amount of Thirty-Five Million Dollars (\$35,000,000) and authorize the Executive Director, or his designee, to execute the Application and Grant Agreement. Motion approved.

7B. Approve the purchase of an option to purchase land interests containing 8402.02 acres, more or less, in Hendry County, Caloosahatchee Attenuation Project and authorize a Resolution to the Trustees of the Internal Improvement Trust Fund and/or the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs.

Mr. Minton asked that this item be deferred until later in the meeting. Board Members agreed.

Board Members returned to item 7A to allow public comment.

7A. Approve the Application for Federal Assistance and Grant Agreement with the U.S. Department of the Interior for the purchase of land interests containing 8402.02 acres, more or less, in Hendry County, Caloosahatchee Attenuation Project.

Mr. Charles Lee, Florida Audubon Society, said both 7A and 7B are essential purchases needed to proceed with Everglades Restoration. He urged the Board to approve both 7A and 7B.

Mr. Minton suggested that the Board consider item 7B at this time. Board Members agreed.

7B. Approve the purchase of an option to purchase land interests containing 8402.02 acres, more or less, in Hendry County, Caloosahatchee Attenuation Project and authorize a Resolution to the Trustees of the Internal Improvement Trust Fund and/or the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs.

Mr. William Malone, Deputy Executive Director, Water Resource Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Malone said staff is seeking only conceptual approval today. He said staff will continue to try to improve the terms of the transaction.

Chairman Collins expressed concern about approval of this item, which he said does not have the support of state officials. He suggested that the Board vote against the conceptual approval sought by staff. Chairman Collins asked the landowner to continue discussions with staff on this issue.

Mr. Minton and Ms. Carter said they would support conceptual approval of this item at this time.

Mr. Berger asked if the property owner is willing to have the decision on this acquisition deferred until December. Mr. Jack Berry, the owner of the property in question, said he is willing to wait until the December 1999 meeting.

Motion by Ms. Carter to table consideration until the December 1999 Governing Board regular meeting of the purchase of an option to purchase land interests containing 8402.02 acres, more or less, in Hendry County, Caloosahatchee Attenuation Project and authorize a Resolution to the Trustees of the Internal Improvement Trust Fund and/or the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.

- 8. Approve the purchase of land interests containing 41.95 acres, more or less, in Miami-Dade and Broward Counties, East Coast Buffer Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Gleason to approve the purchase of land interests containing 41.95 acres, more or less, in Miami-Dade and Broward Counties, East Coast Buffer Project and authorize Resolutions to the Trustees of the Internal Improvement Trust Fund and/or Department of Environmental Protection requesting reimbursement for these acquisitions and associated costs. Motion approved.

- 9. Approve the purchase of land interests containing 9.7 acres, more or less, in Miami-Dade County, 8.5 Square Mile Project (Phase I).**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Gutierrez said he does not support approval of this item. He said he will vote against any acquisition in this area until a scientifically defensible plan is developed for the entire region.

Motion by Ms. Carter to approve the purchase of land interests containing 9.7 acres, more or less, in Miami-Dade County, 8.5 Square Mile Project (Phase I), and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved. Nay - Mr. Gutierrez.

- 10. Approve the purchase of land interests containing 5.09 acres, more or less, in Miami-Dade County, L-31N Transition Lands Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Gleason to approve the purchase of land interests containing 5.09 acres, more or less, in Miami-Dade County, L-31N Transition Lands Project, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.

- 11. Approve the purchase of land interests containing 5.24 acres, more or less, in Miami-Dade County, Model Lands and Southern Glades Projects.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Gleason to approve the purchase of land interests containing 5.24 acres, more or less, in Miami-Dade County, Model Lands and Southern Glades Projects, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for these acquisitions and associated costs. Motion approved.

- 12. Approve the purchase of land interests containing 40 acres, more or less, in Miami-Dade County, Water Conservation Area Project.**

Mr. LittleJohn presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Fernandez to approve the purchase of land interests containing 40 acres, more or less, in Miami-Dade County, Water Conservation Area Project and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.

13. Consider acquisition of SOR lands.

Authorize a Resolution to the Department of Environmental Protection requesting reimbursement for the acquisition of approximately 20.97 acres, more or less, within the 8.5 square mile area.

Ms. Ruth Clements, Senior Attorney, Office of Counsel, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Motion by Mr. Fernandez to authorize a Resolution to the Department of Environmental Protection requesting reimbursement for the acquisition of approximately 20.97 acres, more or less, within the 8.5 square mile area (Phase I) in Miami-Dade County, and associated costs, in connection with the settlement of the lawsuit styled Bensch et. al. v. South Florida Water Management District filed in the United States District Court, Southern District, Case No. 90-252. Motion approved. Nay - Mr. Gutierrez.

CLOSE THE PUBLIC HEARING

Mr. Minton closed the public hearing.

End of Public Hearing

V. MORNING DISCUSSION AGENDA

BUSINESS DISCUSSION AGENDA ITEMS

**14. REPORT FROM THE ADVISORY COMMITTEES
Environmental Committee**

Mr. Minton noted that a written report from the Environmental Advisory Committee has been provided to the Board. A copy of the written report is included in the official record of this meeting.

Ms. Carter noted that it has become difficult for her to attend meetings of this committee due to the meeting dates. She suggested that another Board Member may be better able to serve on this committee. Mr. Gleason agreed to participate in the place of Ms. Carter.

15. OMBUDSMAN'S REPORT

Mr. Richard E. Williams, District Ombudsman, presented the report. A copy of the material used in his presentation is included in the official record of this meeting.

Ms. Carter asked that staff develop a brochure that can be distributed to the public to help navigate the District's regulatory requirements.

(Items that begin with a "C" are contracts)

CORPORATE RESOURCES

Water Quality and Hydrology

C16. Authorize entering into six separate 3-year work order contracts with PPB Environmental Lab Inc., Frontier Geosciences Inc., DB Environmental Labs Inc., ELab Inc., U.S. Biosystems, and Post Buckley Schuh & Jernigan for laboratory analytical services.

Ms. Maxine Cheesman, Director, Water Quality Monitoring Division, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Board Members expressed concern about the cost and the effectiveness of contracting out this work rather than doing the analysis in-house.

Mr. Thornton asked that staff review the types of items that are being sampled and evaluate the productivity of the District's sampling program. Chairman Collins asked that staff provide the analysis for the Board's review in December.

Chairman Collins also suggested that the contracts be awarded for a one-year period, rather than a three-year period. Board Members agreed.

Motion by Ms. Williams to authorize entering into six separate 1-year work order contracts with PPB Environmental Lab Inc., Frontier Geosciences Inc., DB Environmental Labs Inc., ELab Inc., U.S. Biosystems, and Post Buckley Schuh & Jernigan for laboratory analytical services in an amount not to exceed \$4,534,940 of which \$1,534,940 is budgeted in FY00. (Contract Numbers C-11901-C-11906). Motion approved.

PUBLIC COMMENT

Ms. Norma Perdue, a Wellington resident, expressed concern about the District's right-of-way permitting program, and noted the difficulty in getting her concerns addressed by staff.

Mr. Gleason asked that staff meet with Ms. Perdue to get a clear perspective on the problem.

Board Members returned to consideration of item 14.

14. REPORT FROM THE ADVISORY COMMITTEES Environmental Committee

Mr. John Arthur Marshall, Arthur R. Marshall Foundation and member of the Environmental Advisory Committee, presented a resolution for a Comprehensive Plan for Everglades Restoration Act (Restudy) Funding. He said the committee requests that the Board urge Governor Jeb Bush and the State Legislature to meet the state's financial responsibilities for the Restudy by providing a dedicated funding source.

Mr. Marshall said the committee has recommended that the District proceed with a conceptual plan for a study of existing bird mortality and flight patterns to determine the most appropriate location and number of future communication towers on lands owned by the District.

Ms. Patti Webster, Environmental Advisory Committee, urged the Board to approve the resolution.

Motion by Mr. Berger to direct staff to send a Restudy funding plan package and a message to the Florida Legislature requesting that funding be identified by the state for Everglades Restoration.

Ms. Carter suggested that the motion be amended to require that the funding package be prepared and sent by the middle of January 2000.

Amended motion by Mr. Berger to direct staff to make every effort to prepare a Restudy funding package for review by the legislature prior to the start of the next legislative session, and to make passage of the Restudy funding a priority in the legislative session. Motion approved.

Mr. Gleason asked that the Board schedule a workshop to discuss the communications tower issue. He asked that the item be placed on the agenda for the December 1999 workshop.

WATER RESOURCE MANAGEMENT

Real Estate, Engineering and Construction

- ~~17. **Deny** requests for releases of Reservations within the boundaries of the East Coast Buffer/Water Preserve Areas as these Reservations may have a future use to the District as part of the Restudy.~~

This item was deleted.

Water Supply Planning, Permitting & Development

18. C&SF Restudy Update

Mr. Tom Teets, Sr. Supervising Planner, Water Resource Program Accountability, Water Supply Planning & Permitting, Water Resource Management, presented the update. A copy of the material used in his presentation is included in the official record of this meeting.

Watershed Research & Planning

- C19. Authorize entering into two separate 3 year contracts with Aircoastal Helicopter, Inc. and HMC Helicopter Services for District-wide float helicopter charter services.**

Dr. Tom Fontaine, Director, Everglades, Watershed Research & Planning, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting. He said staff recommends approval.

Mr. Joe Moore, Chief Financial Officer, presented information on the Float Helicopter Demand Analysis. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Berger to authorize entering into two separate 3 year contracts with Aircoastal Helicopter, Inc. and HMC Helicopter Services for District-wide float helicopter charter services in the amount of \$1,040,600 of which \$340,500 is budgeted in FY00 and the remainder is subject to Governing Board approval of future fiscal year budgets. (Contract Numbers C-E11681 and C-E11672). Motion approved.

C20. Authorize entering into a 5 year cooperative agreement with the Florida Department of Environmental Protection (FDEP), as a special procurement for FDEP laboratory services.

Dr. Fontaine presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Motion by Mr. Berger to authorize entering into a 5 year cooperative agreement with the Florida Department of Environmental Protection (FDEP), as a special procurement for FDEP laboratory services in an amount not to exceed \$2,073,257 of which \$413,257 is budgeted in FY00 and the remainder is subject to Governing Board approval of the FY01 (\$415,000), FY02 (\$415,000), FY03 (\$415,000) and FY04 (\$415,000) budgets. (Contract Number C-E11657). Motion approved.

REPORT FROM THE EXECUTIVE DIRECTOR

21. Water Management Highlights

Mr. Frank Finch, Executive Director, presented the highlights. A copy of the material used in his presentation is included in the official record of this meeting. Mr. Finch said the Deputy Executive Directors have completed the next tier of the new organizational charts.

Mr. William Malone, Deputy Executive Director, presented the next level of re-organization for the Water Resource Management Department. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Joseph Taylor, Deputy Executive Director, presented the next level of re-organization for the Water Resource Development Department. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. James Blount, Chief of Staff, presented the next level of re-organization for the Corporate Resources Department. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Finch noted that a special dinner will be held following the meeting to celebrate the 50th Anniversary of the South Florida Water Management District.

22. Water Conditions Report

Mr. Tommy Strowd, Director – Operations, Water Resource Operations, presented the report. A copy of the report is included in the official record of this meeting.

Mr. Gene Duncan, representing the Miccosukee Tribe of Indians of Florida, expressed concern about water levels in Water Conservation Area 3. He said water levels have increased and tree islands are dying.

PUBLIC COMMENT

Ms. Rosa Durando, Audubon Society of the Everglades, said the District is not required to provide flood protection in the Acreage nor in Basin B.

Board Members agreed to consider Board Comment at this time.

BOARD COMMENT

24. Appointment of members to the Miami-Dade County Lake Belt Plan Implementation Committee.

Mr. Fernandez, Committee Chairman, asked that Mr. Andrew Mosales be appointed to the Committee.

Motion by Mr. Fernandez to appoint Mr. Andrew Mosales to the Miami-Dade County Lake Belt Plan Implementation Committee. Motion approved.

23. Office of Counsel Update

Mr. John J. Fumero, General Counsel, presented the update. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. William Malone, Deputy Executive Director, Water Resource Management, presented background information on litigation involving the operation of the S-9 pump station.

Ms. Ruth Clements, Senior Attorney, Office of Counsel, presented information on a recommended resolution to address the S-9 Pump Station litigation. A copy of the resolution is included in the official record of this meeting.

Motion by Ms. Williams to adopt a resolution electing to meet all applicable state water quality standards in the Western C-11 Basin by December 2005, one year earlier than state law requires. Motion approved.

Mr. Fumero presented information on the re-organization of the Office of Counsel. He said Ms. Sheryl Wood has been named Deputy General Counsel, and Mr. Glenn Miller, Mr. Scott Glazier, and Mr. Douglas MacLaughlin have been named Supervising Attorneys.

End of Morning Discussion Agenda

VI. BUSINESS CONSENT AGENDA – 1:00 P.M.

Pull Items for Discussion

Mr. Minton pulled item 51.

Mr. Thornton pulled item 39.

Chairman Collins pulled item C37.

Approve Business Consent Agenda items, except for items pulled for discussion

Motion by Mr. Minton to approve the Business Consent Agenda items, except for items pulled for discussion. Motion approved.

DISCUSSION OF ANY ITEMS PULLED FROM BUSINESS CONSENT AGENDA

Office of Communications

C37. Authorize entering into a contract with Wordsmith Communications for development and distribution of a water resource education newspaper insert.

Ms. Charlotte Taylor, Director, Office of Communications, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Chairman Collins expressed concern with this item. He said the District should handle this type of work in-house. He asked that staff bring back a recommendation for handling this project with the current in-house staff.

Palm Beach County Service Center

39. Authorize a resolution of support for the Lake Okeechobee Segment of the Florida National Scenic Trail.

Mr. Thornton asked if this land is owned by the District. Ms. Patricia Walker, Governmental Representative, Office of Communications, said the land is owned by the District.

Motion by Mr. Thornton to authorize a resolution of support for the Lake Okeechobee Segment of the Florida National Scenic Trail. Motion approved.

C51. Authorize entering into a 1 year contract with the University of Houston for hydrodynamic data collection for the Lake Okeechobee hydrodynamic model validation.

Mr. Minton noted that the first-selected bidder was determined to be not financially able to do the work. He said staff should make such a determination prior to the selection of the top ranked bidder.

Ms. Sheryl Wood, Director, Procurement, said the fact that the top-ranked bidder was determined to be unable to financially complete the work was only discovered after negotiations were entered into.

Motion by Mr. Minton to authorize entering into a 1 year contract with the University of Houston for hydrodynamic data collection for the Lake Okeechobee hydrodynamic model validation in an amount not to exceed \$100,000 of which \$90,000 is budgeted and authorize a budget substitution in the amount of \$10,000 from the Coastal Ecosystems Division, Modeling/Other Technical Services to the Okeechobee Systems Research Division, Modeling/Other Technical Services. (Contract Number C-10674). Motion approved.

BOARD COMMENT

Mr. Minton and Mr. Fernandez noted a recent request by the Governor's Office that state agencies become more consistent with their procurement procedures. Mr. Minton asked that staff analyze the District's procurement procedures to devise a plan to make the procurement procedures more consistent.

VII. REGULATORY CONSENT AGENDA – 2:00 PM

GOVERNING BOARD REGULATORY CONSENT AGENDA APPROVAL

A. Additions, Deletions, Substitutions

Chairman Collins noted the following changes handed out as additional backup to Item 26 of the Regulatory Consent Agenda:

PERMIT APPLICATIONS

Water Use

The Bear's Club (page 19, paragraph 6): Postponed to December 9 Board

Surface Water Management

Disney's H-11 Site Improvements (page 15, paragraph 1): 39.79 acres of mitigation/compensation

St John the Evangelist Catholic Church (page 19, paragraph 5): Postponed to December 9 Board

Environmental Resource

Sunrise Harbor (page 2, paragraph 6): Postponed to December 9 Board

Mediterra (page 5, paragraph 4): Acres of mitigation/compensation: 283.86 acres enhancement, 36.5 acres upland preservation, 7.5 credits in Panther Island Mitigation Bank

Pine Summit (page 21, paragraph 4): Postponed to December 9 Board

Everglades Agricultural Area

South Florida Conservancy District (page 19, paragraph 4): Postponed to December 9 Board

Environmental Resource Denial

Rockland Investment Corporation (page 22, paragraph 1): Postponed to December 9 Board

Consent Agreements

City of Orlando (page 27, paragraph 1): Postponed to December 9 Board

Charles Putnam (page 27, paragraph 2): Postponed to December 9 Board

Jeffrey H. Sands (page 27, paragraph 3): Postponed to December 9 Board

Joseph E. Herndon, Sr., James F. Herndon III and Jennilynn K. Herndon (page 27, paragraph 4): Postponed to December 9 Board

School Board of Broward County (page 27, paragraph 5): Postponed to December 9 Board

Pinnacle Construction of Ft. Lauderdale Inc. (page 28, paragraph 8): Postponed to December 9 Board

Oak Hills Estates, Partnership (page 28, paragraph 9): Postponed to December 9 Board

Sam Moore (page 28, paragraph 10): Postponed to December 9 Board

Petition

Barry Silver et al (page 29, paragraph 3): Superseded by final order (page 31, paragraph 1)

Recission

Venus Citrus Groves, Inc. (page 30, paragraph 1): Changed to read: Execute a Final Order to rescind, at the request of the permittee, Environmental Resource Permit 28-00421-P, Lake Okeechobee SWIM Works of the District Permit 28-00255-Q, and Water Use Permit 28-00310-W for Venus Citrus Groves, Inc. and release the associated conservation easement (Sections 19, 20, Township 39 South, Range 30 East, Highlands County)

Final Order

Barry Silver et al (page 31, paragraph 1): Added

In addition, the following changes were made to the Afternoon Discussion Agenda:

Item 27. Old Trail Golf Course (SWM Permit and Variance Denial): Postponed to December 9 Board

Item 28. Haft Gaines, 50-02562-W (Administrative Complaint): Deleted

Item 28(a). Barry Silver et al (Petition): Deleted

B. Abstentions

Ms. Williams abstained on item 26, (page 10, paragraph 1).

Mr. Berger abstained on item 26, all items involving Florida Department of Transportation.

Mr. Gleason abstained on item 26, (page 4, paragraph 1; page 5, paragraph 5; and page 11, paragraph 4).

C. Pull Regulatory Consent Agenda items for discussion

No items were pulled.

D. Motion to Approve Regulatory Consent Agenda

Motion by Mr. Minton to approve the Regulatory Consent Agenda as revised. Motion approved.

The following items were approved as part of the Regulatory Consent Agenda:

25. Consideration of Consent Agenda for Governing Board approval which includes **Water Resource Operations** items:

- Right of Way Occupancy New Permits
- Right of Way Occupancy Permit Modifications
- Right of Way Permit Applications for Waiver of District Criteria

26. Consideration of Consent Agenda for Governing Board approval which includes **Environmental Resource Regulation** and **Water Supply Planning, Permitting & Development** items:

- Water Use Permit Applications
- Surface Water Management Permit Applications (includes Conservation Easements)
- Environmental Resource Permit Applications (includes Conservation Easements)
- Everglades Works of the District Permit Applications
- Lake Okeechobee SWIM Works of the District Permit Applications
- Denials
- Surface Water Management Permit Extensions
- Administrative Information Update to Everglades Works of the District Permits
- Consent Agreements
- Petitions
- Rescissions
- Final Orders

End of Regulatory Consent Agenda Items

VIII. AFTERNOON DISCUSSION AGENDA

WATER RESOURCE MANAGEMENT

Environmental Resource Regulation

Surface Water Management Permit and Variance

27. ~~Consider~~ a request by Jonathan's Landing Golf Club, Inc. for:

- a) ~~Petition for a Variance (Application 980211-12) for waiver of side slope criteria for the Old Trail Golf Course, Martin County.~~
- b) ~~Surface Water Management Permit Modification (Application 980211-9) for construction and operation for the Old Trail Golf Course, Martin County.~~

This item was postponed to the December 1999 Governing Board meeting.

Water Supply Planning, Permitting & Development

Administrative Complaint

28. ~~Authorize staff to issue an Administrative Complaint regarding revocation of Water Use Permit 50-02562-W issued to Haft Gaines, Palm Beach County. Upon expiration of the point of entry the Administrative Complaint shall become final agency action.~~

This item was deleted.

28A. ~~Transferred from Regulatory Afternoon Consent Agenda, Item 26, Page 29, No 3 Petition~~

~~Consider the Administrative Law Judge's "Order Dismissing Third Amended Petition for Administrative Hearing" (Recommended Order) in *Barry Silver, et al. v. Palm Beach County and SFWMD*, DOAH Case 99-3229; the Petitioner's Verified Motion to Vacate Dismissal, SFWMD's Response to Verified Motion to Vacate Dismissal, SFWMD's Supplemental Response to Verified Motion to Vacate Dismissal, and the Intervenor's TBI/Palm Beach Limited Partnership's Response to Verified Motion of the Petitioners to Vacate Dismissal (Exceptions and Responses to Exceptions); and the Joint Motion for the Intervenor and the county for the Award of Attorney's Fees and Costs~~

This item was deleted.

End of Regulatory Afternoon Discussion Agenda

The following items were approved as part of the Business Consent Agenda:

BUSINESS CONSENT AGENDA ITEMS

CORPORATE RESOURCES

Information Technology

- C29. **Authorize** entering into a 3 year contract with Leahy Document and Information Management Incorporated for microfilming and electronic imaging services in the amount of \$216,363 of which \$70,000 is budgeted in FY00 and the remaining \$146,363 is subject to Governing Board approval of the FY01 and FY02 budgets. (Contract Number C-10328)

Water Quality & Hydrology

- C30. **Authorize** entering into a 3 year contract with Engineering & Applied Sciences Inc. for St. Lucie Estuary water quality data collection in the amount of \$360,000 of which \$120,000 is budgeted and the remainder is subject to Governing Board approval of the FY01 and FY02 budgets. (Contract Number C-10827)

EVERGLADES CONSTRUCTION PROJECT

- ~~C31. **Authorize** entering into a 3 year contract with Kimley Horn & Associates, Inc. for multidisciplinary professional engineering services in an amount not to exceed \$200,000 of which \$75,000 is budgeted in FY00 and the remainder is subject to Governing Board approval of future fiscal year budgets. (Contract Number C-E021)~~
This item was deleted.

EXECUTIVE OFFICE

32. **Adopt** a Resolution by the Governing Board of the South Florida Water Management District affirming the appointment of Frank R. Finch, P.E., as Secretary of the Board; affirming the appointment of John Fumero, Joseph Schweigart, John C. Merriam, Joseph W. Taylor, and William F. Malone as Assistant Secretaries to the Board, re-affirming the appointments of Michael Slayton and Anthony Burns as Assistant Secretaries of the Board; re-affirming the appointment of Stephen E. Grabe as Treasurer of the Board; and re-affirming the appointment of Joseph M. Moore **and Aaron Basinger** as Assistant Treasurer of the Board.

GOVERNMENT AFFAIRS AND COMMUNICATIONS

Big Cypress Basin

- C33. **Authorize** an Amendment to a Cooperative Agreement with the City of Everglades City for construction of an Advanced Wastewater Treatment Plant, Phase 3 at no cost to the District, to retroactively extend the term from July 10, 1999 through January 09, 2000. (Contract Number C-9702-A01)

Fort Myers Service Center

- C34. **Authorize** an amendment with Lee County for East County Water Control District Aquifer Recharge at no cost to the District and to extend the term by 2 years. (Contract Number C-8813-A03)

- C35. **Authorize** an amendment with Lee County for Kehl Canal Weir Replacement to retroactively extend the term from April 15, 1999 by 10 months at no cost to the District (Contract Number C-8816-A03)

Miami Service Center

- C36. **Authorize** entering into a 18 month contract with Florida Atlantic University, as a special procurement for Biscayne Bay Partnership Initiative in the amount not to exceed \$200,000 of which \$145,000 is budgeted and the remainder is subject to Governing Board approval of the FY 2001 budget. (Contract Number C-11231)

Okeechobee Service Center

- C38. **Authorize** entering into a one 1 year contract with Soil & Water Engineering Technology, Inc., for an upgrade of the field scale model, EAAMOD-FIELD, in an amount not to exceed \$55,290 for which funds are budgeted. (Contract Number C-10215)

OFFICE OF COUNSEL

40. **Concur** with the Emergency Orders and Emergency Actions taken by the Executive Director during Hurricane Irene.
- a. Declaration of Emergency & Authorization for Emergency Procurement
 - b. Emergency Order 99-142 DAO-SWM (Village of Wellington)
 - c. Emergency Order 99-143 DAO-ERP (Village of Royal Palm Beach)
 - d. Emergency Order 99 -146 DAO-ADM (Employee Release)
 - e. Emergency Order 99 -147 DAO-ERP (Worthington – pumping)
 - f. Emergency Order 99 -148 DAO-ERP (Lee County – US 41 Culverts)
 - g. Emergency Order 99 -149 DAO-ROW (Rights of Way)
 - h. Emergency Order 99 -150 DAO-SWM (Village of Royal Palm Beach)
 - i. Emergency Order 99 -151 DAO-SWM (Indian Trail Improvement District)
 - j. Emergency Order 99 -152 DAO-SWM (Martin County)
 - k. Emergency Order 99 -153 DAO-SWM (Village of Wellington)
 - l. Emergency Order 99 - 154 DAO-SWM (C-23 Canal)
 - m. Emergency Order 99 - 155 DAO-SWM (J.W. Corbett Wildlife Management Area)
 - n. Operations Order 99-156 DAO-SWM (Indian Trail Improvement District)
 - o. Emergency Order 99-157 DAO-SWM (Village of Royal Palm Beach)
 - p. Emergency Order 99-159 DAO-SWM (Martin County)
 - g. Emergency Order 99-160 DAO-SWM (Village of Wellington)**

WATER RESOURCE MANAGEMENT

Real Estate, Engineering and Construction

41. **Approve** staff recommendations for releases of District canal, mineral and road reservations, releases of T.I.I.T.F. canal reservations, and issuances of non-use commitments.

42. **Approve** the amendment of 161 Acquisition Agreements between the District and the Board of Trustees of the Department of Environmental Protection in effect as of September 23, 1999 to grant the District's Director of Real Estate the authority to certify reimbursable acquisition costs on behalf of the District and **authorize** the execution of a letter dated September 23, 1999 reflecting said amendment and authorizing the Director of Real Estate to execute affidavits verifying said reimbursable costs.
43. **Approve** declaring surplus land interest in a 37-foot wide maintenance easement located at the NW side of lot 20, block 1, Princess Park Manor, Plat book 50, page 18, public records of Dade County and **authorize** a quitclaim deed releasing the District's interest in this parcel.
44. **Approve** entering into a Memorandum of Understanding (MOU) with the Florida Department of Environmental Protection (DEP), regarding completion of remedial activities at nine (9) cattle dipping vat sites located within the Kissimmee River Restoration Project area.
- ~~C45. **Authorize** entering into a 120-day contract with Murray Logan Construction, Inc. for Culvert PC15-C41A Replacement in an amount of \$218,000 for which funds are budgeted. (Contract Number C-10417)~~

This item was deleted.

- ~~C46. **Authorize** entering into a 5 year contract with Coalition of Florida Farmworker Organizations, Inc. for the lease of Rocky Glades agricultural land parcel 100-019, approximately 47.77 acres, Miami-Dade County, Florida, for the purpose of farming, in the amount of \$150 per acre per year, for a total annual revenue to the District of \$7,165.50. (Contract Number C-10491)~~

This item was deleted.

- ~~C47. **Authorize** entering into a 5 year contract with Genaro Blanco for the lease of Rocky Glades agricultural land parcel 100-017, approximately 48.6 acres, Miami-Dade County, Florida, for the purpose of farming, in the amount of \$100 per acre per year, for a total annual revenue to the District of \$8,617.77. (Contract Number C-10495)~~

This item was deleted.

- ~~C48. **Authorize** entering into a 2 year revenue contract with Pioneer Land and Resource Company, Inc. for the removal of all trees from the Rocky Glades tree nursery land parcel 100-020, approximately 10 acres, Miami-Dade County, Florida in the amount of \$70,000. (Contract Number C-10946)~~

This item was deleted.

Environmental Resource Regulation

49. **Approve** execution of a Sovereign Submerged Lands Easement for the Temporary Royal Park Bridge. (Application Number 981201-1; Permit Number 50-04294-P)

Watershed Research & Planning

- C50. **Authorize** entering into a 2 year contract with URS Greiner Woodward-Clyde International – Americas, Inc. for Watershed Water Quality Model Development and Implementation in an amount not to exceed \$172,884 of which ~~\$31,669~~ **\$68,094** is budgeted in FY00 and the remainder is subject to Governing Board approval of the FY01 budget. (Contract Number C-10826)
52. **Authorize** a Waiver of Competition for a purchase order with Dr. David Correll to assist in the expeditious development of a Total Maximum Daily Load (TMDL) for Lake Okeechobee in the amount of \$44,500 for which funds are budgeted.

WATER RESOURCE OPERATIONS

Electronic Support & Data Acquisition

- C53. **Authorize** entering into a 3 year contract with Hydrogage Inc. for data collection and maintenance of equipment at 15 hydrologic monitoring sites in the Big Cypress Basin in the amount of \$120,000 of which \$40,000 is budgeted and the remainder subject to Governing Board approval of the FY01 and FY02 budgets. (Contract Number C-10995)

Land Stewardship

54. **Approve** Interim Land Management Letter Agreement for Certain Lands in the Corkscrew Regional Ecosystem Watershed Project.
55. **Approve** a petition filed by the Kissimmee Valley Trail Riders, Inc. for a temporary waiver (two weeks in March, 2000) of Rules 40E-7.521(1) and 40E-7.526(1), Fla. Admin. Code, and the District's Public Use Guide to Land Management Areas, incorporated by reference in Rule 40E-7.520(5), Fla. Admin. Code, which prohibits equestrian activities and the use of motorized vehicles as it is applied to the Rough Island Unit of the Lower Reedy Creek Management Area to allow for the Annual Kissimmee Valley Ride.

End of Business Consent Agenda Items

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 2:10 p.m.

MICHAEL COLLINS, CHAIRMAN

(Corporate Seal)

Attest:

ANTHONY BURNS, ASSISTANT SECRETARY

/aab